

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

KARLIS RUBEN AUGUSTUS HOWARD,  
Plaintiff,  
v.  
CDCR, et al.,  
Defendants.

No. 1:24-cv-01335-SAB (PC)

ORDER DIRECTING CLERK OF COURT  
TO RANDOMLY ASSIGN A DISTRICT  
JUDGE TO THIS ACTION

FINDINGS AND RECOMMENDATIONS  
RECOMMENDING DISMISSAL OF  
CERTAIN CLAIMS AND DEFENDANTS

(ECF Nos. 8, 9)

Plaintiff is proceeding pro se and in forma pauperis in this action filed pursuant to 42 U.S.C. § 1983.

On March 7, 2025, the Court screened Plaintiff's complaint, and found that Plaintiff stated the following cognizable claims: (1) excessive force against Defendants Lee, Rios, Perez, and Reyes; (2) failure to intervene claim against Defendants Rios, Perez, and Reyes; (3) state law claims of assault, battery, and negligence, intentional infliction of emotional distress, and violation of the Bane Act against Defendants Lee, Rios, Perez, and Reyes; (4) retaliation against Defendant Lee for removing him from the Veteran's group because he filed an inmate grievance; (5) retaliation against Defendants Lee and Perez for issuing a false rules violation report for filing an inmate grievance; (6) retaliation against Defendants Perez, Lee, and Harter for removal from the Bravo yard for filing an inmate grievance. (ECF No. 8.) However, Plaintiff

1 failed to state any other cognizable claims. Plaintiff was granted the opportunity to file an  
2 amended complaint or notify the Court of his intent to proceed on the claims found to be  
3 cognizable. (Id.) On April 9, 2025, Plaintiff filed a notice of intent to proceed on the claim found  
4 to be cognizable. (ECF No. 9.)

5 Accordingly, it is HEREBY ORDERED that the Clerk of the Court shall assign a District  
6 Judge to this action

7 Further, it is HEREBY RECOMMENDED that:

- 8 1. This action proceed on the following cognizable claims: (1) excessive force against  
9 Defendants Lee, Rios, Perez, and Reyes; (2) failure to intervene claim against  
10 Defendants Rios, Perez, and Reyes; (3) state law claims of assault, battery, and  
11 negligence, intentional infliction of emotional distress, and violation of the Bane  
12 Act against Defendants Lee, Rios, Perez, and Reyes; (4) retaliation against  
13 Defendant Lee for removing him from the Veteran's group because he filed an  
14 inmate grievance; (5) retaliation against Defendants Lee and Perez for issuing a false  
15 rules violation report for filing an inmate grievance; and (6) retaliation against  
16 Defendants Perez, Lee, and Harter for removal from the Bravo yard for filing an  
17 inmate grievance.
- 18 2. All other claims and Defendants be dismissed from the action for failure to state a  
19 cognizable claim for relief.

20 These Findings and Recommendations will be submitted to the United States District Judge  
21 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within **fourteen (14)**  
22 **days** after being served with these Findings and Recommendations, Plaintiff may file written  
23 objections with the Court, limited to 15 pages, including exhibits. The document should be  
24 captioned "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised

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28 that failure to file objections within the specified time may result in the waiver of rights on appeal.

1 Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014) (citing Baxter v. Sullivan, 923 F.2d  
2 1391, 1394 (9th Cir. 1991)).

3  
4 IT IS SO ORDERED.

5 Dated: **April 10, 2025**

A handwritten signature in blue ink, appearing to read "Stanley A. Boone", is written over a horizontal line.

STANLEY A. BOONE  
United States Magistrate Judge